

REFERENCE TITLE: eastern Arizona college

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2624

Introduced by
Representatives Konopnicki, Aguirre A, Brown, O'Halleran: Alvarez,
Downing, Mason, Miranda B, Senator Flake

AN ACT

AMENDING TITLE 15, CHAPTER 12, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1453; AMENDING SECTIONS 15-1462, 15-1464 AND 15-1466, ARIZONA REVISED STATUTES; MAKING APPROPRIATIONS; RELATING TO COMMUNITY COLLEGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 12, article 3, Arizona Revised Statutes,
3 is amended by adding section 15-1453, to read:

4 15-1453. Eastern Arizona college; four-year degrees

5 NOTWITHSTANDING THE TWO-YEAR LIMITATION PRESCRIBED IN SECTION 15-1401,
6 BEGINNING IN FISCAL YEAR 2007-2008, EASTERN ARIZONA COLLEGE AS OPERATED BY
7 THE GOVERNING BOARD OF THE GRAHAM COUNTY COMMUNITY COLLEGE DISTRICT MAY OFFER
8 FOUR-YEAR BACCALAUREATE DEGREES PURSUANT TO THE FOLLOWING REQUIREMENTS:

9 1. THE GRAHAM COUNTY COMMUNITY COLLEGE DISTRICT BOARD SHALL ANNUALLY
10 NOTIFY THE JOINT LEGISLATIVE BUDGET COMMITTEE IN WRITING OF ITS INTENTION TO
11 OFFER FOUR-YEAR BACCALAUREATE DEGREES IN THE NEXT FISCAL YEAR ON OR BEFORE
12 SEPTEMBER 15.

13 2. THE GRAHAM COUNTY COMMUNITY COLLEGE DISTRICT BOARD, ON OR BEFORE
14 SEPTEMBER 15 OF THE YEAR PRIOR TO THE FIRST FISCAL YEAR IT INTENDS TO OFFER
15 FOUR-YEAR BACCALAUREATE DEGREES, SHALL SUBMIT TO THE JOINT LEGISLATIVE BUDGET
16 COMMITTEE AT A MINIMUM THE FOLLOWING INFORMATION:

17 (a) THE BACCALAUREATE DEGREE PROGRAMS THE DISTRICT INTENDS TO OFFER TO
18 STUDENTS THE FOLLOWING FISCAL YEAR.

19 (b) THE NUMBER OF STUDENTS EXPECTED TO PARTICIPATE IN EACH PROGRAM
20 OFFERED BY THE DISTRICT.

21 (c) AN ESTIMATE OF THE NUMBER OF 300-LEVEL AND 400-LEVEL STUDENTS THAT
22 WILL BE SERVED BY THE DISTRICT.

23 (d) THE LOCATION OF THE CAMPUSES AND COLLEGES AT WHICH BACCALAUREATE
24 DEGREE PROGRAMS WILL BE OFFERED.

25 (e) THE POTENTIAL IMPACT ON THE DISTRICT'S EXPENDITURE LIMITATION.

26 3. ON OR BEFORE OCTOBER 1, 2006, THE GRAHAM COUNTY COMMUNITY COLLEGE
27 DISTRICT SHALL SUBMIT A BUDGET FOR THE DISTRICT THAT ESTIMATES A FULL-TIME
28 EQUIVALENT STUDENT ENROLLMENT FOR 300-LEVEL AND 400-LEVEL ACADEMIC COURSES
29 THAT WILL BE OFFERED BY THE DISTRICT.

30 4. ON OR BEFORE SEPTEMBER 15, 2006, THE GRAHAM COUNTY COMMUNITY
31 COLLEGE DISTRICT SHALL DEVELOP PERFORMANCE MEASURES THAT SHALL BE INCLUDED IN
32 THE STATE BUDGET.

33 5. THE GRAHAM COUNTY COMMUNITY COLLEGE DISTRICT BOARD SHALL BE
34 PREPARED TO OFFER 300-LEVEL AND 400-LEVEL ACADEMIC COURSES AT THE BEGINNING
35 OF THE SPRING SEMESTER OF 2008.

36 6. UNIVERSITIES UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS
37 SHALL USE THE SAME ADMISSION CRITERIA TO GRADUATE DEGREE PROGRAMS FOR PERSONS
38 WHO HAVE BEEN AWARDED BACCALAUREATE DEGREES ISSUED BY THE GRAHAM COUNTY
39 COMMUNITY COLLEGE DISTRICT AS USED FOR PERSONS WHO HAVE OBTAINED
40 BACCALAUREATE DEGREES FROM TRADITIONAL FOUR-YEAR POSTSECONDARY INSTITUTIONS
41 THAT ARE ACCREDITED BY A REGIONAL ACCREDITATION AGENCY APPROVED BY THE UNITED
42 STATES DEPARTMENT OF EDUCATION.

43 7. THE GRAHAM COUNTY COMMUNITY COLLEGE DISTRICT IS ENTITLED TO STATE
44 AID PURSUANT TO SECTION 15-1466 AND STATE AID PER CAPITA FOR CAPITAL OUTLAY
45 PURSUANT TO SECTION 15-1464 DURING THE FIRST AND SECOND YEARS IN WHICH THE

1 DISTRICT OFFERS 300-LEVEL AND 400-LEVEL ACADEMIC COURSES BASED ON THE
2 DISTRICT'S ESTIMATE OF THE FULL-TIME EQUIVALENT STUDENT ENROLLMENT IN
3 300-LEVEL AND 400-LEVEL ACADEMIC COURSES FOR THE FIRST AND SECOND YEAR IN
4 WHICH THE DISTRICT OFFERS 300-LEVEL AND 400-LEVEL ACADEMIC COURSES. THE
5 GRAHAM COUNTY COMMUNITY COLLEGE DISTRICT'S STATE AID PAYMENTS SHALL BE
6 ADJUSTED DURING THE THIRD YEAR OF OFFERING 300-LEVEL AND 400-LEVEL ACADEMIC
7 COURSES BASED ON ANY DISCREPANCIES BETWEEN THE ESTIMATED FULL-TIME EQUIVALENT
8 STUDENT ENROLLMENT DURING THE FIRST TWO YEARS IN WHICH THE DISTRICT OFFERS
9 300-LEVEL AND 400-LEVEL ACADEMIC COURSES AND THE ACTUAL FULL-TIME EQUIVALENT
10 STUDENT ENROLLMENT FOR THOSE TWO YEARS AS DETERMINED BY THE AUDITOR GENERAL
11 PURSUANT TO SECTION 15-1466.01.

12 8. THE GRAHAM COUNTY COMMUNITY COLLEGE DISTRICT SHALL CONTINUE TO
13 PROVIDE A PROGRAM OF TWO YEARS' TRAINING IN THE ARTS, SCIENCES AND
14 HUMANITIES, INCLUDING ASSOCIATE DEGREE PROGRAMS, TERMINAL COURSES OF A
15 TECHNICAL AND VOCATIONAL NATURE AND BASIC ADULT EDUCATION COURSES.

16 9. THE GRAHAM COUNTY COMMUNITY COLLEGE DISTRICT FULL-TIME EQUIVALENT
17 STUDENT ENROLLMENT SHALL BE DETERMINED AS FOLLOWS:

18 (a) DIVIDE THE TOTAL NUMBER OF ENROLLED CREDIT HOURS PER ACADEMIC YEAR
19 IN ALL 200-LEVEL AND BELOW ACADEMIC COURSES BY THIRTY.

20 (b) DIVIDE THE TOTAL NUMBER OF ENROLLED CREDIT HOURS PER ACADEMIC YEAR
21 IN 300-LEVEL AND 400-LEVEL ACADEMIC COURSES BY TWENTY-FOUR.

22 10. THE GRAHAM COUNTY COMMUNITY COLLEGE DISTRICT SHALL NOT RECEIVE
23 STATE AID FOR DUAL ENROLLMENT COURSES FOR NONACADEMIC COURSES.

24 11. THE GRAHAM COUNTY COMMUNITY COLLEGE DISTRICT SHALL COMPLY WITH ANY
25 CONTRACTS AND AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS OF THIS STATE THAT
26 ARE IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION.

27 12. TUITION FOR ALL COURSES OFFERED BY THE GRAHAM COUNTY COMMUNITY
28 COLLEGE DISTRICT SHALL BE LESS THAN TUITION AT UNIVERSITIES UNDER THE
29 JURISDICTION OF THE ARIZONA BOARD OF REGENTS.

30 Sec. 2. Section 15-1462, Arizona Revised Statutes, is amended to read:

31 15-1462. Special tax levy for maintenance or capital outlay of
32 district; proration of monies; exception

33 A. The board of supervisors in each district may supply funds from
34 other designated sources or, in lieu thereof, shall annually, at the time of
35 levying other taxes, levy a special community college tax on property to be
36 determined by each county comprising the district for the purpose of
37 maintaining the district or for capital outlay. For THE purposes of this
38 subsection, "capital outlay" means the expenditures which result in the
39 acquisition of fixed properties such as land, temporary, permanent or
40 portable buildings and development or permanent improvements to land or
41 construction of buildings. The tax shall be at a rate sufficient to provide
42 the amount proposed in the annual estimate of funds as needed to maintain the
43 district for the current fiscal year, after deducting from the total estimate
44 the amount of funds appropriated for the district by the legislature, but
45 shall not be in excess of the levy limitation prescribed in title 42, chapter

17, article 2. The tax shall be added to and collected in the same manner as other county taxes on property. The amount of the special community college tax shall be paid into the community college fund of the county.

B. For the first year of operation monies shall be prorated to each county within a district in the ratio that the number of high school graduates of each county within the district bears to the total number of high school graduates in all counties within the district. Thereafter, proration of monies shall be to each county within a district in the ratio that the number of full-time equivalent students of each county within the district bears to the total number of full-time equivalent students in all counties within the district.

C. NOTWITHSTANDING SUBSECTION A OR ANY OTHER LAW, THE MAXIMUM AMOUNT THAT MAY BE LEVIED ANNUALLY IN FISCAL YEARS 2006-2007 THROUGH 2011-2012 BY THE GRAHAM COUNTY BOARD OF SUPERVISORS FOR COMMUNITY COLLEGE TAXES ON PROPERTY IN THE COUNTY IS ONE DOLLAR PER ONE HUNDRED DOLLARS ASSESSED VALUATION. THE GOVERNING BOARD OF THE GRAHAM COUNTY COMMUNITY COLLEGE DISTRICT SHALL PLACE ALL REVENUES COLLECTED PURSUANT TO THIS SUBSECTION IN A SEPARATE CAPITAL ACCOUNT. MONIES IN THE SEPARATE CAPITAL ACCOUNT MAY ONLY BE SPENT ON CAPITAL CONSTRUCTION PROJECTS THAT ARE REVIEWED AT A PUBLIC MEETING BY THE JOINT COMMITTEE ON CAPITAL REVIEW. ON OR BEFORE JUNE 30, 2011, THE GOVERNING BOARD OF THE GRAHAM COUNTY COMMUNITY COLLEGE DISTRICT SHALL ADOPT A RESOLUTION TO DO ONE OF THE FOLLOWING:

1. CONTINUE TO OPERATE AS A COMMUNITY COLLEGE DISTRICT UNDER THE AUTHORITY OF THE GOVERNING BOARD OF THE GRAHAM COUNTY COMMUNITY COLLEGE DISTRICT AND CONTINUE THE TAX LEVY PRESCRIBED IN THIS SUBSECTION.

2. DISSOLVE THE COMMUNITY COLLEGE DISTRICT, DISCONTINUE THE TAX LEVY PRESCRIBED IN THIS SUBSECTION AND TRANSFER THE AUTHORITY TO GOVERN EASTERN ARIZONA COLLEGE TO THE ARIZONA BOARD OF REGENTS.

Sec. 3. Section 15-1464, Arizona Revised Statutes, is amended to read:

15-1464. State aid per capita distribution for capital outlay:
capital outlay fund: appropriation

A. In addition to the appropriation prescribed in section 15-1463, subsection A, this state shall pay to each community college district state aid for capital outlay in the following manner:

1. For fiscal year 1992-1993 for a community college district which had less than five thousand actual full-time equivalent students according to the most recent fiscal year actual full-time equivalent student count, the amount determined by multiplying the number of actual full-time equivalent students according to the most recent fiscal year actual full-time equivalent student count by two hundred seven dollars.

2. For fiscal year 1992-1993 for a community college district which had five thousand or more actual full-time equivalent students according to the most recent fiscal year actual full-time equivalent student count, the amount determined by multiplying the number of actual full-time equivalent

1 students according to the most recent fiscal year actual full-time equivalent
2 student count by one hundred fifty-eight dollars.

3 3. Beginning with fiscal year 1993-1994 the legislature shall adjust
4 by the growth rate for common and high school districts as provided by law,
5 subject to appropriation, the amount of state aid to community college
6 districts as provided in paragraphs 1 and 2.

7 B. The basis for computing full-time equivalent students for the
8 capital outlay per capita distribution shall be on the same basis as the
9 computation prescribed in section 15-1466.01.

10 C. In addition to the formula to determine the appropriations
11 prescribed in section 15-1463, subsection A and subsection A of this section,
12 this state may pay additional amounts for capital outlay to a community
13 college district based on requests from the district.

14 D. Appropriations for capital outlay made pursuant to subsections A
15 and C of this section and section 15-1463 shall be made to an account
16 designated as the capital outlay fund.

17 E. At the beginning of each fiscal year, the district board shall
18 present to the department of administration a claim for the annual amount
19 appropriated by the legislature and assigned to the district for capital
20 outlay purposes. The department of administration shall draw a warrant in
21 payment of the claim and shall transmit the warrant to the state treasurer
22 who shall disburse the funds to the district for capital outlay purposes, to
23 be expended as provided by law. If no community college exists, the
24 department shall establish a fund for new future community college districts
25 to be disbursed as needed.

26 F. Notwithstanding subsection E of this section, a community college
27 district may request the state treasurer to disburse the monies to the local
28 government investment pool for deposit into the district's account as
29 established in section 35-326.

30 G. Each district has the option of using up to twenty per cent of its
31 total capital outlay aid appropriation for operating aid purposes or taking
32 this same amount out of the district's total operating state aid
33 appropriation and using it for capital outlay purposes.

34 H. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, FOR THE GRAHAM
35 COMMUNITY COLLEGE DISTRICT, THE AMOUNT PER FULL-TIME STUDENT EQUIVALENT SHALL
36 BE TWO HUNDRED TEN DOLLARS FOR STUDENTS IN VOCATIONAL COURSES, 100-LEVEL
37 ACADEMIC COURSES AND 200-LEVEL ACADEMIC COURSES AND THIRTY-SIX DOLLARS FOR
38 STUDENTS IN 300-LEVEL ACADEMIC COURSES AND 400-LEVEL ACADEMIC COURSES.

39 Sec. 4. Section 15-1466, Arizona Revised Statutes, is amended to read:
40 15-1466. State aid; eligibility; limitations

41 A. Subject to legislative appropriation, the legislature shall
42 determine and appropriate the amount of state aid each fiscal year to each
43 district possessing the qualifications as prescribed in this chapter.

1 B. The state shall determine the amount of state aid, as prescribed in
2 subsection F of this section, appropriated to each district for the fiscal
3 year prior to the fiscal year for which the state aid is being calculated.

4 C. The state shall adjust the amount of state aid appropriated to each
5 district as determined in subsection B of this section by the growth rate
6 referenced by section 15-901, subsection B, paragraph 2. This amount shall
7 be appropriated to the district except as provided in subsection D of this
8 section.

9 D. In addition to the state aid appropriated in subsection C of this
10 section, each district qualified under this chapter shall have its state aid
11 adjusted in an amount that reflects the growth in the full-time equivalent
12 student count of the district calculated as follows:

13 1. Calculate the growth in the actual, audited full-time equivalent
14 student count between the second and third most recent fiscal years prior to
15 the fiscal year for which the state aid is being calculated for each
16 district.

17 2. Calculate the average appropriation per full-time equivalent
18 student for all districts by dividing the amount determined in subsection B
19 of this section by the actual, audited full-time equivalent student count for
20 all districts in the most recent fiscal year, EXCEPT THAT FOR THE GRAHAM
21 COUNTY COMMUNITY COLLEGE DISTRICT, THE APPROPRIATION SHALL BE TWO THOUSAND
22 TWO HUNDRED DOLLARS PER FULL-TIME EQUIVALENT STUDENT FOR STUDENTS ENROLLED IN
23 VOCATIONAL COURSES, 100-LEVEL ACADEMIC COURSES AND 200-LEVEL ACADEMIC COURSES
24 AND FIVE THOUSAND FIVE HUNDRED SIXTY-FOUR DOLLARS FOR STUDENTS ENROLLED IN
25 300-LEVEL ACADEMIC COURSES AND 400-LEVEL ACADEMIC COURSES. THE
26 APPROPRIATIONS PRESCRIBED IN THIS PARAGRAPH FOR THE GRAHAM COUNTY COMMUNITY
27 COLLEGE DISTRICT SHALL BE ADJUSTED EACH YEAR BY THE CONSUMER PRICE INDEX.

28 3. Multiply the amount calculated in paragraph 1 of this subsection by
29 the average appropriation calculated in paragraph 2 of this subsection. This
30 amount shall be appropriated to the district for growth.

31 E. State aid appropriated to each district shall be allocated and paid
32 in accordance with subsection C of this section before any funding is
33 allocated and paid in accordance with subsection D of this section.

34 F. The total amount appropriated to each district each fiscal year in
35 accordance with subsections C and D of this section shall serve as the amount
36 of state aid to be adjusted in the next fiscal year. A district is not
37 eligible for growth funding pursuant to this section unless the most recent
38 audited full-time student equivalent count exceeds the highest audited
39 full-time student equivalent count recorded from and after fiscal year
40 2003-2004.

41 G. To be eligible for state aid, a district shall:

42 1. Be equipped with suitable buildings, equipment and campus.

43 2. Have at least three hundred twenty full-time equivalent students
44 attending in the district.

1 3. Have complied with all of the requirements of the district board
2 including budgets and curriculum.

3 H. Notwithstanding subsection E of this section, the legislature may
4 allocate funding for growth in the full-time equivalent student count prior
5 to or in combination with funding of the growth rate.

6 I. The total amount of state monies that may be spent in any fiscal
7 year by a district for operating state aid shall not exceed the amount
8 appropriated or authorized by section 35-173 for that purpose.
9 Notwithstanding section 15-1444, this section shall not be construed to
10 impose a duty on an officer, agent or employee of this state to discharge a
11 responsibility or to create any right in a person or group if the discharge
12 or right would require an expenditure of state monies in excess of the
13 expenditure authorized by legislative appropriation for that specific
14 purpose, including any duties prescribed in an employment contract entered
15 into pursuant to section 15-1444, subsection A, paragraph 6.

16 J. In addition to the formula to determine the state aid
17 appropriations prescribed in this section, the state may pay additional
18 amounts for state aid to a district based on requests included in the
19 district's budget request.

20 K. This section does not entitle a community college operated by a
21 qualified Indian tribe to state aid for community colleges pursuant to this
22 chapter.

23 Sec. 5. Graham community college district operating state aid
24 and capital outlay state aid

25 Notwithstanding section 15-1466, Arizona Revised Statutes, as amended
26 by this act, and section 15-1464, Arizona Revised Statutes, as amended by
27 this act, until the total amounts calculated for the Graham community college
28 district pursuant to section 15-1466, Arizona Revised Statutes, as amended by
29 this act, and section 15-1464, Arizona Revised Statutes, as amended by this
30 act, add up to at least \$16,950,260, the Graham community college district
31 shall be appropriated \$16,346,560 for operating state aid and \$603,700 for
32 capital outlay state aid. The amount calculated pursuant to section 15-1466,
33 Arizona Revised Statutes, as amended by this act, shall continue to serve as
34 the base amount for adjusting growth for operating state aid in the following
35 fiscal year. Once the operating state aid and capital outlay state aid
36 amounts add up to at least \$16,950,260, the appropriation for operating state
37 aid for the Graham community college district shall be determined by section
38 15-1466, Arizona Revised Statutes, as amended by this act.

39 Sec. 6. Graham county community college district; report

40 The Graham county community college district shall collect data on the
41 costs and the impact of providing baccalaureate degrees and submit a report
42 that summarizes this data to the joint legislative budget committee on or
43 before September 15, 2007. The Graham county community college district
44 shall provide a copy of this report to the secretary of state and the
45 director of the Arizona state library, archives and public records.

1 Sec. 7. Appropriation; purpose; exemption

2 A. The sum of \$_____ is appropriated from the state general fund in
3 fiscal year 2006-2007 to the Graham county community college district for
4 supplemental funding.

5 B. The appropriation made in subsection A of this section is intended
6 to provide supplemental funding in the amount of \$4,000 per estimated
7 full-time equivalent student enrollment. If the amount appropriated pursuant
8 to subsection A of this section exceeds \$4,000 per actual full-time
9 equivalent student enrollment, the Graham county community college district
10 shall transmit the excess amount appropriated to the state treasurer on or
11 before September 15, 2007 for deposit in the state general fund.

12 C. The appropriation made in subsection A of this section is exempt
13 from the provisions of section 35-190, Arizona Revised Statutes, relating to
14 lapsing of appropriations.

15 Sec. 8. Appropriation; purpose; exemption

16 A. The sum of \$_____ is appropriated from the state general fund in
17 fiscal year 2006-2007 to the Graham county community college district for
18 capital costs associated with campus housing facilities.

19 B. The appropriation made in subsection A of this section is intended
20 to provide capital funding in the amount of \$25,000 per estimated bed in
21 campus housing facilities. If the amount appropriated pursuant to subsection
22 A of this section exceeds \$25,000 per actual bed in campus housing
23 facilities, the Graham county community college district shall transmit the
24 excess amount appropriated to the state treasurer on or before September 15,
25 2007 for deposit in the state general fund.

26 C. The appropriation made in subsection A of this section is exempt
27 from the provisions of section 35-190, Arizona Revised Statutes, relating to
28 lapsing of appropriations.